

UNITED STATES DISTRICT COURT
District of Maine

VLADK FILLER,
Plaintiff
v.
HANCOCK COUNTY, SHERIFF WILLIAM
CLARK, WASHINGTON COUNTY, SHERIFF
DONNIE SMITH, TRAVIS WILLEY, DAVID
DENBOW, MICHAEL CRABTREE,
GOULDSBORO, GUY WYCOFF, ELLSWORTH,
JOHN DELEO, CHAD WILMOT, PAUL
CAVANAUGH, STEPHEN MCFARLAND,
MICHAEL POVICH, CARLETTA BASSANO,
MARY KELLETT, and LINDA GLEASON,
Defendants

**ANSWER AND AFFIRMATIVE DEFENDANTS HANCOCK COUNTY, SHERIFF
WILLIAM CLARK, WASHINGTON COUNTY, SHERIFF DONNIE SMITH, TRAVIS
WILLEY, DAVID DENBOW, MICHAEL CRABTREE AND STEPHEN MCFARLAND
TO PLAINTIFF'S AMENDED COMPLAINT**

NOW COME Defendants Hancock County, William Clark, Washington County, Donnie Smith, Travis Willey, David Denbow, Michael Crabtree, and Stephen McFarland, by and through counsel, and hereby respond to the allegations contained in Plaintiff's Amended Complaint as follows:

AFFIRMATIVE DEFENSES

1. Plaintiff's Amended Complaint fails to state a cause of action upon which relief may be granted.
2. These Defendants, in their individual capacities, are entitled to qualified immunity on Plaintiff's claims brought pursuant to 42 U.S.C. § 1983.

3. Any damages sustained by Plaintiff were caused by the acts and/or omissions of an individual and/or entity other than these Defendants.

4. Plaintiff's damages, if any, were directly and proximately caused by a legally sufficient superseding/intervening cause.

5. Plaintiff has failed to mitigate his damages as required by law.

6. The allegations contained in Plaintiff's Amended Complaint are barred by the statute of limitations.

7. To the extent the Plaintiff alleges any tort claims against Hancock County and/or Washington County, these entities are entitled to general immunity under the Maine Tort Claims Act.

8. To the extent the Plaintiff alleges any tort claims against these Defendants, these Defendants are entitled to discretionary function and/or intentional act immunity.

9. The District Attorneys and Assistant District Attorneys are employees of the State, not the Counties, and the Counties are not liable for their conduct.

ANSWER

I. NATURE OF ACTION

1. These Defendants deny any liability to Plaintiff as alleged in this paragraph of Plaintiff's Amended Complaint.

2. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

3. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

4. These Defendants deny the allegations contained in Paragraph 4 of Plaintiff's Amended Complaint insofar as they pertain to these Defendants. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants and therefore deny same.

5. These Defendants deny the allegations contained in Paragraph 5 of Plaintiff's Amended Complaint insofar as they pertain to these Defendants. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants and therefore deny same.

6. These Defendants deny the allegations contained in Paragraph 6 of Plaintiff's Amended Complaint insofar as they pertain to these Defendants. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants and therefore deny same.

7. These Defendants deny the allegations contained in Paragraph 7 of Plaintiff's Amended Complaint insofar as they pertain to these Defendants. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants and therefore deny same.

8. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

9. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

10. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

11. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

12. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

13. These Defendants deny the allegations contained in Paragraph 13 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants, and therefore deny same.

14. These Defendants deny the allegations contained in Paragraph 14 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants, and therefore deny same.

15. These Defendants deny the allegations contained in Paragraph 15 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other Defendants, and therefore deny same.

II. JURISDICTION, VENUE AND THE PARTIES

16. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

17. These Defendants deny that Defendant Kellett acted towards Plaintiff under color of statute, ordinance, custom, and usage of Hancock County. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

18. These Defendants deny that Hancock County is responsible for supervising the Hancock County District Attorney's Office. These Defendants admit the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint.

19. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

20. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

21. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

22. These Defendants deny that David Denbow had any involvement in the allegations alleged in this paragraph of Plaintiff's Amended Complaint. These Defendants admit that Travis Willey and Michael Crabtree were deputy sheriffs with the Washington County Sheriff's Department and were employed by Washington County. At the time, Michael Crabtree was assigned full-time to the MDEA. It is admitted that these Defendants were acting within the scope of their

employment. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

23. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

24. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

25. These Defendants admit the first sentence of this paragraph. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

26. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

27. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

28. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

29. Defendants admit that Stephen McFarland was employed by Hancock County and was assigned to work for the Hancock County District Attorney's Office. These Defendants are without

sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

30. These Defendants admit that Michael Povich was previously the elected District Attorney of Hancock County. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

31. These Defendants admit that Carletta Bassano was the District Attorney of Hancock County for a portion of 2010 to 2014. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

32. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

33. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

34. These Defendants admit that this court has jurisdiction over these Defendants in this suit.

35. These Defendants admit that venue is proper.

III. FACTS

A. Factual Overview

36-55. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended

Complaint and therefore deny same.

56. These Defendants admit that a criminal trial was held from January 12 through 15, 2009. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

57. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

58. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint except they are without sufficient knowledge or information so as to form a belief as to the truth of the exact date alleged by the Plaintiff and therefore deny same.

59. These Defendants admit that this decision was appealed to the Law Court by the State of Maine, but are without sufficient knowledge or information so as to form a belief as to whether this appeal was done by ADA Kellett and therefore deny same.

60. These Defendants admit that Plaintiff's court-appointed appellate attorney Neal L. Fishman argued before the Law Court, but are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

61-63. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

64. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

65. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

66. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

67. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

68. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegation that the Plaintiff maintains the Class D assault for which he was found guilty was the result of fabricated false claims and evidence. With this exception, these Defendants admit the allegations contained in this paragraph.

69. These Defendants admit that the conviction was affirmed on appeal. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

70. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

71. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

72-74. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

B. Initial Allegations and Investigation

75-99. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

100. These Defendants deny that Stephen McFarland jointly led the investigation. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

101-107. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

C. April 24, 2007, Washington County 911 and Deputy Willey's Recordings

108-112. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

113. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

114. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

115-123. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

124. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

125. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

126. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

127. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

128. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

129. These Defendants deny the allegations contained in Paragraph 129 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

130-133. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

134. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

135. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint

and therefore deny same.

136. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

137. These Defendants deny the allegations contained in Paragraph 137 insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

138. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

139. These Defendants admit that Deputy Willey did contact Kellett's office to report Plaintiff's allegations. With regard to the remaining allegations, these Defendants deny these allegations insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of these allegations insofar as they pertain to other defendants and therefore deny same.

140. These Defendants deny the allegations contained in Paragraph 140 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

141-144. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

145. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

D. Spousal Rape Investigation and Vladek Filler's Arrest

146. These Defendants admit that Arguetta gave a taped interview to Goulsboro Police Department Chief Wycoff on April 25, 2007, and that Linda Gleason was present. These Defendants also admit that Detective Stephen McFarland monitored this interview remotely. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

147. These Defendants deny the allegations contained in Paragraph 147 of Plaintiff's Amended Complaint insofar as they pertain to these Defendants, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

148. These Defendants admit that Linda Gleason was present at this interview. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

149-153. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended

Complaint and therefore deny same.

154. These Defendants deny the allegations contained in Paragraph 154 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

155. These Defendants deny the allegations contained in Paragraph 155 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

156. These Defendants deny the allegations contained in Paragraph 156 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

157. These Defendants deny the allegations contained in Paragraph 157 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

158-162. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

163. These Defendants admit that on April 26, 2007, Detective Stephen McFarland and Chief Wycoff went to Plaintiff's house. These Defendants deny the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint.

164. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

165. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

166. These Defendants deny the allegations contained in the first sentence of this paragraph. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in the second sentence of this paragraph and therefore deny same.

167-170. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

171. These Defendants deny that Gouldsboro Police Department Chief Wycoff did not have authority to arrest Plaintiff. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

172. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

173. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

174. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

175. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

176-200. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

E. April 11, 2007, Ellsworth Police Repots and Witness Statements

201-224. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

225. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

226. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

227. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

228. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

229. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to them, and without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

230. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to them, and without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

231. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to them, and without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

F. Withheld April 24, 2007, Washington County 911 and Video/Audio Recordings

232. These Defendants admit that Deputy Travis Willey hand-delivered his report to prosecutor Mary Kellett's office, and this report was stamped "Received May 29, 2007." These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph and therefore deny same.

233-230. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

240. These Defendants deny the allegations contained in Paragraph 240 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other Defendants, and therefore deny same.

241. These Defendants deny the allegations contained in Paragraph 241 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other Defendants, and therefore deny same.

242. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

243. These Defendants deny the allegations contained in Paragraph 243 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other Defendants, and therefore deny same.

244. These Defendants deny the allegations contained in Paragraph 244 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other Defendants, and therefore deny

same.

245. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

246. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

247. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

248. These Defendants deny the allegations contained in Paragraph 248 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

249. These Defendants deny the allegations contained in Paragraph 248 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

250. These Defendants deny the allegations contained in Paragraph 250 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

251. These Defendants assert that any video recordings of Arguetta had previously been recycled and were not available.

252-255. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

256. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

257. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

258. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

259. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

260. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

261-268. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

269. These Defendants deny the allegations contained in Paragraph 269 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of

Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

270. These Defendants deny the allegations contained in Paragraph 270 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

271. These Defendants deny the allegations contained in Paragraph 271 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

G. Withheld April 24, 2007, Gouldsboro Police Records and Reports

272. These Defendants deny the allegations contained in Paragraph 272 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

273. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

274. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

275. These Defendants deny the allegations contained in Paragraph 275 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

276. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

277. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

278. These Defendants deny the allegations contained in Paragraph 278 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

279. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

280. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

281. These Defendants deny the allegations contained in Paragraph 281 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants, and therefore deny same.

282-286. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

H. Suppressed May 25, 2007, Videotaped Interview by Detective Stephen McFarland

287. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

288. These Defendants deny the allegations contained in Paragraph 288 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they relate to other defendants, and therefore deny same.

289. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

290. These Defendants admit that on May 25, 2007, Arguetta was interviewed by Detective McFarland at the Ellsworth District Attorney's Office. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

291. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

292. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

293. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

294. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

295. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

296. These Defendants deny the allegations contained in Paragraph 296 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

297. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

298. These Defendants deny the allegations contained in Paragraph 298 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

299. These Defendants deny the allegations contained in Paragraph 299 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

300. These Defendants deny the allegations contained in Paragraph 300 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

301. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

302. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

303. These Defendants deny the allegations contained in Paragraph 303 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

304. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

305. These Defendants deny the allegations contained in Paragraph 305 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

306. These Defendants deny the allegations contained in Paragraph 306 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

307. These Defendants deny the allegations contained in Paragraph 307 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

308. These Defendants deny the allegations contained in Paragraph 308 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

309. These Defendants deny the allegations contained in Paragraph 309 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of

Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

310. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

311. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

I. Fraudulent Photographic Evidence

312-323. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

J. Fraudulent Computer Evidence

324. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

325. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

326. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

327. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

328. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

329-331. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

332-336. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

337. These Defendants deny the allegations contained in Paragraph 337 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

338. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

339. These Defendants deny the allegations contained in Paragraph 339 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

K. Arguetta's Mistranslated and Ignored E-mails

340. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

341-343. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

344. These Defendants deny the allegations contained in Paragraph 344 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

345. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

346. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

L. Interference with Child Custody Proceedings

347-361. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

M. Second Trial Discovery Violations

362. These Defendants deny the allegations contained in Paragraph 362 of Plaintiff's Amended Complaint insofar as they pertain to them, and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

363. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

364-366. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

N. Defamatory Statements

367. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

368. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

369. These Defendants deny the allegations contained in Paragraph 369 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

370-372. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

O. Summary of Misconduct of Deputy Travis Willey, Individually, Lieutenant Denbow, Individually, Deputy Michael Crabtree, Individually, and hte Washington County Sheriff's Office - Failure to Turn Over Exculpatory Evidence to the District Attorney's Office or Vladek Filler; Destruction of Exculpatory Evidence

373. These Defendants deny that Lt. Denbow was present during this interaction. These Defendants admit the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint.

373(sic). These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

374. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

375. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

376. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

377. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

378. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

379. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

380-386. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

387. These Defendants deny the allegations contained in Paragraph 387 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

388. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

389. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

390. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

391. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

392. Officer Willey provided the evidence that he had to the District Attorney's Office.

393-399. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

P. Misconduct of Officer Wilmot, Individually, Ellsworth and Hancock County – Failure to Produce Exculpatory Materials Regarding Events of April 11, 2007

400-411. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

Q. Summary of Wrongful Conduct of Officer McFarland – Falsification of Evidence, Withholding of Exculpatory Evidence, Fabrication of Evidence

412. These Defendants deny that Stephen McFarland was an employee of Washington County.

413. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

414-416. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

417. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

418. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

419. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

420-422. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

423. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

424-430. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

R. Summary of Wrongful Conduct of Gouldsboro Police Chief Wycoff, Individually

431-445. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

S. Summary of Wrongful Conduct of Michael Povich, Individually, and as Final Policymaker for Hancock County

446. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

447. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

448. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

449. These Defendants deny the allegations contained in Paragraph 449 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

450. These Defendants deny the allegations contained in Paragraph 450 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

451. These Defendants deny the allegations contained in Paragraph 451 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

452. These Defendants deny the allegations contained in Paragraph 452 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

453. These Defendants deny the allegations contained in Paragraph 453 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

454. These Defendants deny the allegations contained in Paragraph 454 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form

a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

455. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

456. These Defendants deny the allegations contained in Paragraph 456 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

457. These Defendants deny the allegations contained in Paragraph 457 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

458. These Defendants deny the allegations contained in Paragraph 458 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

459. These Defendants deny the allegations contained in Paragraph 459 insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

T. Summary of Misconduct of Povich Acting as Final Policymaker for Hancock County

460-463. These Defendants deny the allegations contained in these paragraphs of Plaintiff's

Amended Complaint.

464. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

465. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

466. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

467. These Defendants admit the allegations contained in this paragraph of Plaintiff's Amended Complaint.

4768-473. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

474-477. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

478. The allegations contained in this paragraph of Plaintiff's Amended Complaint state a legal conclusion to which no response is required. To the extent a response is required, these Defendants admit this allegation.

479. The allegations contained in this paragraph of Plaintiff's Amended Complaint state a legal conclusion to which no response is required. To the extent a response is required, these Defendants admit this allegation.

480. The allegations contained in this paragraph of Plaintiff's Amended Complaint state a legal conclusion to which no response is required. To the extent a response is required, these Defendants admit this allegation.

481. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

482. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

483. These Defendants deny the allegations contained in Paragraph 483 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

484. These Defendants deny the allegations contained in Paragraph 484 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

485. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

486. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

487. These Defendants deny the allegations contained in Paragraph 487 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

488. These Defendants deny the allegations contained in Paragraph 488 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

489. These Defendants deny the allegations contained in Paragraph 489 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and therefore deny same.

490. These Defendants deny the allegations contained in Paragraph 490 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants, and

therefore deny same.

U. Summary of Misconduct of Mary Kellett

491-494. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

495. These Defendants deny the allegations contained in Paragraph 495 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

496. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

497. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

498. These Defendants deny the allegations contained in Paragraph 498 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of

V. Summary of Misconduct of Supervisors and County Officials

499-504. These Defendants are without sufficient knowledge or information so as to form a

belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

505. These Defendants deny that their actions in this case justified discipline as suggested in this paragraph of Plaintiff's Amended Complaint.

506. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

507. These Defendants deny that their actions in this case justified discipline as suggested in this paragraph of Plaintiff's Amended Complaint.

508. These Defendants deny that their actions in this case justified discipline as suggested in this paragraph of Plaintiff's Amended Complaint.

W. Conflict of Interest

509. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

510. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

511. These Defendants deny the allegations contained in Paragraph 511 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny

same.

512. These Defendants deny the allegations contained in Paragraph 512 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

513. These Defendants admit that the Hancock County District Attorney's office received funding from the Federal Violence Against Women Act. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

514. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

515. These Defendants deny the allegations contained in Paragraph 515 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

516. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

517. These Defendants deny the allegations contained in Paragraph 517 of Plaintiff's Amended Complaint insofar as they pertain to them and are without sufficient knowledge or

information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to the other defendants and therefore deny same.

518. These Defendants admit that Detective McFarland was originally hired with a Violence Against Women Act grant. DA Povich applied for this grant with assistance from Mary Kellett. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

519. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint and therefore deny same.

IV. CAUSES OF ACTION

A. 42 U.S.C. § 1983 Claims

COUNT ONE

**42 U.S.C. § 1983 Denial of Rights to Due Process and a Fair Trial Under the Fifth, Sixth, and Fourteenth Amendments; Malicious Prosecution and Deprivation of Liberty Under the Fourth and Fourteenth Amendments
(Defendants Povich, Smith, Clark, Deleo, Willey, Wycoff, Wilmot, McFarland, Kellett, Denbow and Crabtree)**

520. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 519 of Plaintiff's Amended Complaint as if fully set forth herein.

521-524. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Amended Complaint and therefore deny same.

525-540. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

WHEREFORE, these Defendants pray for judgment in their favor on Count I of Plaintiff's Amended Complaint, plus their costs.

COUNT TWO

**42 U.S.C. § 1983: Defamation; Malicious Prosecution and Deprivation of Liberty Under the Fourth and Fourteenth Amendments; Denied of Due Process Rights and a Fair Trial Under the Fifth, Sixth, and Fourteenth Amendments
(Povich, Kellett, Wycoff, Bassano, Cavanaugh)**

541. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 540 of this Amended Complaint as if fully set forth herein.

542-564. These allegations do not pertain to these Defendants. To the extent that these Defendants are required to respond to any of the allegations contained in these paragraphs of Plaintiff's Amended Complaint, these Defendants deny all such allegations.

WHEREFORE, these Defendants pray for judgment in their favor on Count II of Plaintiff's Amended Complaint, plus their costs.

COUNT THREE

***Monell* 42 U.S.C. § 1983 Claims Against Defendant Hancock County for the Actions of the Hancock County Sheriff's Department and Hancock County District Attorney; Against the Town of Gouldsboro for the Actions of the Gouldsboro Police Department; Against Washington County for the Actions of the Washington County Sheriff's Department; Against the Town of Ellsworth for the Conduct of the Ellsworth Police Department**

565. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 564 of this Amended Complaint as if fully set forth herein.

566. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

567. These Defendants deny the allegations contained in this paragraph of Plaintiff's Amended Complaint.

568. These Defendants deny the allegations contained in Paragraph 568 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

569. These Defendants deny the allegations contained in Paragraph 569 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

570. These Defendants deny the allegations contained in Paragraph 570 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

571. These Defendants deny the allegations contained in Paragraph 571 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this

paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

572. These Defendants deny the allegations contained in Paragraph 572 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

573. These Defendants deny the allegations contained in Paragraph 573 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

574. These Defendants deny the allegations contained in Paragraph 574 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

575. These Defendants deny the allegations contained in Paragraph 575 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

576. These Defendants deny the allegations contained in Paragraph 576 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

577. These Defendants deny the allegations contained in Paragraph 577 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

578-583. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

584. These Defendants deny the allegations contained in Paragraph 584 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

585. These Defendants deny the allegations contained in Paragraph 585 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

586. These Defendants deny the allegations contained in Paragraph 586 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

587-591. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

WHEREFORE, these Defendants pray for judgment in their favor on Count III of Plaintiff's Amended Complaint, plus their costs.

COUNT FOUR

Monell 42 U.S.C. § 1983; Intentional Creation of an Unconstitutional Policy or Custom Under Color of State Law, Denial of Rights to Due Process and a Fair Trial Under the Fifth, Sixth, and Fourteenth Amendments; Malicious Prosecution and Deprivation of Liberty Under the Fourth and Fourteenth Amendments; Unconstitutional Policy or Custom

(Defendants Hancock County, Washington County, Gouldsboro and Ellsworth, Povich, Bassano, Smith, Clark, Deleo and Wycoff in their Individual Capacities)

592. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 591 of this Amended Complaint as if fully set forth herein.

593-596. These Defendants deny the allegations contained in these paragraphs of Plaintiff's Amended Complaint.

597. These Defendants deny the allegations contained in Paragraph 597 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore

deny same.

598. These Defendants deny the allegations contained in Paragraph 598 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

599. These Defendants deny the allegations contained in Paragraph 599 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

600. These Defendants deny the allegations contained in Paragraph 600 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

601. These Defendants deny the allegations contained in Paragraph 601 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

602. These Defendants deny the allegations contained in Paragraph 602 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

603. These Defendants deny the allegations contained in Paragraph 603 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

604. These Defendants deny the allegations contained in Paragraph 604 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

605. These Defendants deny the allegations contained in Paragraph 605 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

606. These Defendants deny the allegations contained in Paragraph 606 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient

knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

607. These Defendants deny the allegations contained in Paragraph 607 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

608. These Defendants deny the allegations contained in Paragraph 608 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

609. These Defendants deny the allegations contained in Paragraph 609 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

610. These Defendants deny the allegations contained in Paragraph 610 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore

deny same.

611. These Defendants deny the allegations contained in Paragraph 611 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

612. These Defendants deny the allegations contained in Paragraph 612 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

613. These Defendants deny the allegations contained in Paragraph 613 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

614. These Defendants deny the allegations contained in Paragraph 614 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

615. These Defendants deny the allegations contained in Paragraph 615 of Plaintiff's Amended Complaint insofar as they pertain to them. These Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Amended Complaint insofar as they pertain to other defendants and therefore deny same.

WHEREFORE, these Defendants pray for judgment in their favor on Count IV of Plaintiff's Amended Complaint, plus their costs.

B. STATE TORT CLAIMS

COUNT FIVE

Malicious Prosecution - Gleason

616. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 615 of this Amended Complaint as if fully set forth herein.

617-646. These allegations do not pertain to these Defendants. To the extent that these Defendants are required to respond to any of the allegations contained in these paragraphs of Plaintiff's Amended Complaint, these Defendants deny all such allegations.

WHEREFORE, these Defendants pray for judgment in their favor on Count V of Plaintiff's Amended Complaint, plus their costs.

COUNT SIX

Negligent Infliction of Emotional Distress - Gleason

647. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 646 of this Amended Complaint as if fully set forth herein.

648-654. These allegations do not pertain to these Defendants. To the extent that these Defendants are required to respond to any of the allegations contained in these paragraphs of Plaintiff's Amended Complaint, these Defendants deny all such allegations.

WHEREFORE, these Defendants pray for judgment in their favor on Count VI of Plaintiff's Amended Complaint, plus their costs.

COUNT SEVEN

Defamation - Cavanaugh

655. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 654 of this Amended Complaint as if fully set forth herein.

656-662. These allegations do not pertain to these Defendants. To the extent that these Defendants are required to respond to any of the allegations contained in these paragraphs of Plaintiff's Amended Complaint, these Defendants deny all such allegations.

WHEREFORE, these Defendants pray for judgment in their favor on Count VII of Plaintiff's Amended Complaint, plus their costs.

COUNT EIGHT

Negligent Infliction of Emotional Distress - Cavanaugh

663. These Defendants repeat and reassert their responses to Paragraphs 1 through and including 662 of this Amended Complaint as if fully set forth herein.

664-665. These allegations do not pertain to these Defendants. To the extent that these Defendants are required to respond to any of the allegations contained in these paragraphs of Plaintiff's Amended Complaint, these Defendants deny all such allegations.

WHEREFORE, these Defendants pray for judgment in their favor on Count VIII of Plaintiff's Amended Complaint, plus their costs.

Dated: March 4, 2015

/s/ Peter T. Marchesi

Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer

Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.

Attorneys for these Defendants

27 Temple Street, P.O. Box 376

Waterville, ME 04903-0376

UNITED STATES DISTRICT COURT
District of Maine

VLADEK FILLER,
Plaintiff
v.
HANCOCK COUNTY, SHERIFF WILLIAM
CLARK, WASHINGTON COUNTY, SHERIFF
DONNIE SMITH, TRAVIS WILEY, DAVID
DENBOW, MICHAEL CRABTREE,
GOULDSBORO, GUY WYCOFF, ELLSWORTH,
JOHN DELEO, CHAD WILMOT, PAUL
CAVANAUGH, STEPHEN MCFARLAND,
MICHAEL POVICH, CARLETTA BASSANO,
MARY KELLETT, and LINDA GLEASON,
Defendants

CERTIFICATE OF SERVICE

I, Peter T. Marchesi, Esq., attorney for Defendants Hancock County, Sheriff William Clark, Washington County, Sheriff Donnie Smith, Travis Willey, David Denbow, Michael Crabtree and Stephen McFarland, hereby certify that:

- Answer and Affirmative Defenses of Defendants Hancock County, Sheriff William Clark, Washington County, Sheriff Donnie Smith, Travis Willey, David Denbow, Michael Crabtree and Stephen McFarland to Plaintiff's Amended Complaint

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

David Weyrens, Esq.	<i>dweyrens@hzwlaw.com</i>
Thomas Hallett, Esq.	<i>thallett@hallettwhipple.com</i>
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William Fisher, AAG	<i>william.r.fisher@maine.gov</i>

Copies of the above documents have been provided to the following parties via United States Mail, postage prepaid, at the following address:

Linda Gleason
714 Park Circle
South Greenfield, MO 65752

Dated: March 4, 2015

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.
Attorney for Defendants Hancock County, etc.
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